

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTHWEST CORNER OF BLOSSOM HILL ROAD AND POUGHKEEPSIE ROAD (161 BLOSSOM HILL ROAD) TO R-MH MOBILEHOME PARK ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the subject rezoning from CN Commercial Neighborhood Zoning District to R-MH Mobilehome Park Zoning District; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to R-MH Mobilehome Park Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as R-MH Mobilehome Park.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

**SECTION 3.** The land development approval that is the subject of City File No. C08-064 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this            day of            , 2009, by  
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

**DRAFT--Contact the Office of the City Clerk at (408)535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

**Exhibit 'A'**  
**Legal Description**  
**for**  
**Lands of Barbaccia Properties**

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

That portion of Lot 26 as shown on the map of the Subdivision of the Senter Tract, filed April 13, 1895, in Book H of Maps, at Page 121, in the Office of the County Recorder of Santa Clara County, California, described as follows:

Beginning at a point on the northerly line of Blossom Hill Road, said point being the southwesterly corner of the land described in the lease to Standard Oil Company of California, recorded May 12, 1965, in Book 6954, Page 367, of Official Records; thence along the boundary line of the land described in said lease the following courses: North 0°00'25" East, 83.54 feet to the beginning of a tangent curve; concave southeasterly, having a radius of 43.00 feet; thence northerly and northeasterly along said curve through a central angle of 36°37'58" an arc distance of 27.49 feet to the beginning of a tangent compound curve, concave southeasterly, having a radius of 53.03 feet; thence northeasterly and easterly along said curve through a central angle of 53°19'02" an arc distance of 49.35 feet; thence tangent to said curve North 89°57'25" East 53.46 feet; thence South 57°47'35" East, 47.35 feet to the northeasterly corner of the land described in said lease; thence continuing South 57°47'35" East, 7.82 feet to the beginning of a tangent curve, concave northerly, having a radius of 75.00 feet, thence easterly along said curve through a central angle of 32°15'00" an arc distance of 42.22 feet; thence tangent to said curve North 89°57'25" East, 69.20 feet to a point on the northwesterly line of Parcel C-1 as shown on the Record of Survey, filed February 19, 1970 in Book 264 of Maps, at Page 44, in the Office of the County Recorder of Santa Clara County, California, being a point in a curve in said northwesterly line, concave northwesterly, having a radius of 942.00 feet, a radial line through said point bears South 32°43'34" East; thence southwesterly along said curve and said northwesterly line and the northwesterly line of Parcel C-2, as shown on said Record of Survey and along the southeasterly line of Parcel B-3, as shown on said Record of Survey through a central angle of 15°06'50" an arc distance of 248.49 feet to the beginning of a tangent compound curve in the southwesterly line of said Parcel B-3 concave northeasterly, having a radius of 20.00 feet; thence southwesterly, westerly and northwesterly along said curve through a central angle of 97°45'15" an arc distance of 34.12 feet to the most westerly corner of said Parcel B-3, being a point on the southerly line of the land described in said lease; thence North 89°57'35" West, 10.31 feet to the point of beginning.

Said described parcel contains 0.50 acres (21,866 square feet), more or less.

Attached hereto is a plat labeled "Exhibit B" and by this reference is made a part hereof.

